

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CHARLES LEE WOODS, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:08-0317

WESTERN REGIONAL JAIL,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's complaint be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii) and that Plaintiff's application to proceed without prepayment of fees or costs be denied pursuant to 28 U.S.C. § 1915(e)(2)(B). Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DISMISSES without prejudice** Plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii) and **DENIES** Plaintiff's application to proceed without prepayment of fees or costs pursuant to 28 U.S.C. § 1915(e)(2)(B), consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 2, 2011

A handwritten signature in black ink, appearing to read 'R. C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE